

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDY COLON	:	CIVIL ACTION
<i>Petitioner</i>	:	
	:	NO. 18-1888
v.	:	
	:	
TOM MCGINLEY, et al.	:	
<i>Respondents</i>	:	

ORDER

AND NOW, this 19th day of November 2019, upon consideration of the counseled petition for writ of *habeas corpus* filed by Petitioner Eddy Colon (“Petitioner”), pursuant to 28 U.S.C. § 2254, [ECF 1], the opposition thereto filed by Respondents, [ECF 9], the record, and the *Report and Recommendation* (the “R&R”) issued by United States Magistrate Judge Richard Lloret, which recommended that the Petition be denied, [ECF 10], and to which Petitioner has not filed objections, it is hereby **ORDERED** that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**;
2. Petitioner’s petition for a writ of *habeas corpus*, [ECF 1], is **DENIED**;¹
3. No probable cause exists to issue a certificate of appealability;² and
4. The Clerk of Court is directed to mark this matter **CLOSED**.

BY THE COURT:

/s/ Nitzia I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ On August 26, 2019, the R&R was filed recommending that Petitioner’s *habeas* claims of ineffective assistance of counsel be dismissed, with prejudice. [ECF 10]. Thereafter, Petitioner requested, [ECF 12], and was granted an extension of time to file any objections to the R&R. [ECF 14]. That deadline was set for November 11, 2019. *Id.* As of the date of this Order, Petitioner has not filed any objections. In the absence of any filed objections, the R&R is reviewed under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this standard, the R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affected substantial rights, and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after reviewing the basis for the R&R, this Court finds that the Magistrate Judge committed no error and, therefore, the R&R is approved and adopted in its entirety.

² For the reasons set forth in the R&R, this Court concludes that no probable cause exists to issue a certificate of appealability in this action because the Petition does not make a substantial showing of the denial of any constitutional right. The facts in the Petition do not demonstrate that reasonable jurists would find this Court’s assessment “debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). Accordingly, there is no basis for the issuance of a certificate of appealability.